

### **Remark**

Applicant respectfully requests reconsideration of this application as amended. Claims 1, 3, 4, 13, 15, 20, 27, 30, 42, 43 and 50 have been amended. Claims 2, 14, 29, and 44 have been canceled. Therefore, claims 1, 3-13, 15-28, 30-43, and 45-61 are now presented for examination.

### **Drawings**

The Examiner has objected to the drawings as improperly labeled. Submitted herewith are replacement drawing sheets with corrected labels. The drawings are submitted by fax and will also be submitted in a mailed version of this amendment so that the sheets are free of any stray marks that the fax transmission process may generate.

### **35 U.S.C. §102 Rejection,**

#### ***Hamano et al.***

The Examiner has rejected claims 1-40 and 42-60 under 35 U.S.C. § 102(b) as being anticipated by Hamano et al., U.S. Patent No. 5,604,928 ("Hamano"). Applicant appreciates the careful work of the Examiner in pointing out specifically each point in the lengthy Hamano reference that is relied upon for each claim. Applicant has amended the claims to incorporate limitations of originally filed dependent claims. Applicant respectfully submits that these amendments place the application in condition for allowance without raising any new issues for further consideration or search. The

remarks below amplify those submitted previously, but are not believed to change the basis that Applicant submits for allowance of all claims.

Hamano shows in every instance (see Figures 2, 5, 8, 11, 16, and 19 that first the "computer unit 1 and sub cpu 2" are "reset", then the radio starts to search for a vacant channel (steps 4, 5, 7). Hamano does not describe the channels but it would seem that there are several channels available and that the radio can use any one that is vacant (step 7). If there is no vacant channel, then the radio keeps scanning until a channel becomes vacant. There are a number of different protocols, that allow for this but none are mentioned. The most likely is some type of frequency division random access protocol.

Certainly, Hamano does not consider the possibility of a channel assignment, otherwise there would be no need to repeat the carrier sense process (4) each time. Hamano makes no mention of time division, of TDMA, of time slots, of frames, nor of channel assignments. The presence of these elements is now more specifically spelled out in, e.g. Claim 1. In particular claim 1, as amended, refers to a time slot of a repeating TDMA frame assigned to the radio. Claim 1 also refers to predicting a start time of such an assigned time slot. This runs directly contrary to the "execute carrier sense process" that is taught in Hamano.

The assigned time slot allow a start time and an end time to be predicted. The Examiner appears to suggest with reference to e.g. Claim 1 and Claim 21 that Hamano teaches the prediction of the end of a time slot. Hamano does not ever mention time slots, but there is an end time for the radio, this is determined by a simple timer as shown in Figure 3, item 5. The timer duration is preset (Col. 6, line 26) and Applicant is unable to find any suggestion that the radio determines the timer duration or can affect the timer

duration. In Claim 39, the end of reception is based on predicting an end time of the assigned time slot. This again contrasts strongly with Hamano's timer.

For these reasons, Applicant respectfully submits that Claim 1 is allowable over Hamano. All of the other independent claims have been amended in a manner similar to Claim 1 and are believed to be allowable on similar grounds. The remaining dependent claims not discussed above are believed to be allowable for their dependence on the amended independent claims as well as for the specific recitation expressed in each dependent claim, respectively.

Applicant does not concede many of the other grounds for rejection raised by the Examiner not specifically addressed above, however, in the interests of simplifying this after-final response, these many detailed grounds of rejection are not specifically addressed herein. This would include the rejection of Claims 41 and 61 as obvious in light of Watanabe.

### **Conclusion**

Applicant respectfully submits that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the claims as amended be allowed.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request for an Extension of Time**

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.


### **Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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Gordon R. Lindeen III  
Reg. No. 33,192

12400 Wilshire Boulevard  
7<sup>th</sup> Floor  
Los Angeles, California 90025-1026  
(303) 740-1980